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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,297	08/31/2001	Manoel Tenorio	020431.0922	2037

53184 7590 10/31/2007  
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EXAMINER
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CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/945,297

Applicant(s)

TENORIO, MANOEL

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the RCE filed on August 20, 2007. Claims 1-2, 4-11, 13-20 and 22-29 are pending. Claims 3, 12 and 21 are canceled. Claims 1-2, 5-11, 14-15, 18-20, 23-25 and 27-29 are amended. All pending claims are examined.

### ***Response to Arguments***

2. Applicant's arguments filed August 20, 2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Haji (US 2002/0035511 A1) fails to teach receiving pricing tools from sellers, examiner respectfully disagrees. Haji teaches receiving web page with a quotation calculation program from a server (§§ 71-72), and which the quotation calculation program corresponds to the pricing tools, and the server corresponds to the sellers of the claimed limitation.

The applicant argues that the "server" in Haji's teaching cannot equate with the "sellers" of the claimed limitation because the server disclosed in Haji does not include, involve, or even relate to the sellers. Examiner respectfully disagrees because Haji indicates that the server receives the orders from the buyer (§ 10), and sells computers and peripheral equipment to the buyer (§ 70).

In response to the applicant's arguments that Haji fails to teach a request for quote, Haji teaches a user requests quotations for the selected products (§§ 74, 93-94), which corresponds to this limitation. The applicant further argues that the request for quote is accessed by the one or more computers associated with the buyer, and not a

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human user manually inputting data. Examiner believes that this limitation is not explicitly shown in the claim, and the request for quote in Haji's teaching is accessed through the computer associated with the buyer (or the receiving terminal) by the buyer.

In response to the applicant's arguments that the cited prior art fails to teach access a request for quote specifying an order comprising quantities of one or more items, examiner believes that Haji teaches access a request for quote specifying an order (see discussion above and the office action below), and Halperin (US 6,105,004) teaches pricing an order comprising quantities of one or more items (column 4 lines 1-4 and column 5 lines 37-45 and Figs. 5-7). Thus, the combined teaching of Haji and Halperin teaches this limitation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is general knowledge available to one of ordinary skill in the art to include the quantities of items for a specified orders.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-11, 13-20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haji et al., US 2002/0035511 A1 in view of Halperin et al., US 6,105,004.

As to claims 1 and 28, Haji teaches a system for locally generating price quotes, the system comprising: a server associated with a buyer, wherein the server is operable to (§ 11, 75 and Figs. 1-2; *“a server associated with a buyer” corresponds to the receiving terminal in Haji’s teaching*):

- Receiving one or more pricing tools from one or more sellers, the one or more pricing tools operable to generate price quotes for one or more corresponding sellers (§ 10, 70-75 and Figs. 1-2; *“seller” corresponds to “Server” as shown in Fig. 1 of Haji, and “pricing tools” corresponds to the quotation calculation program that generates price quotes for the computer products*);
- Locally store the one or more pricing tools received from the one or more sellers in a buyer database, such that the one or more pricing tools are locally accessible to the one or more server associated with the buyer (§ 70-75 and Figs. 1-2);
- Access a request for quote (RFQ) specifying an order, the RFQ requesting a price quote for the order (§ 74, 93-94 and Fig. 2);
- Communicate the RFQ to the locally accessible one or more pricing tools (§ 74 and Fig. 2);

- Using the locally accessible one or more pricing tools received from the one or more sellers, locally generate a price quote for the order (§ 74 and Fig. 2);
- Providing the locally generated price quote for the order for possible further action by the buyer (§ 74-77 and Fig. 2).

Haji does not specifically teach the specified order comprising quantities of one or more items. However, Halperin teaches pricing an order including calculation of quantities of the ordered items (column 4 lines 1-4 and column 5 lines 37-45 and Figs. 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the specified order in Haji's teaching to include quantities of the ordered items as taught by Halperin so that the buyer can have better idea of the total costs of the order that have multiple purchased items.

As to claim 2, Haji in view of Halperin teaches the one or more price tools as discussed in claim 1 above. Haji in view of Halperin does not specifically teach the pricing tools are encrypted to prevent the pricing tool from being used to determine how price quotes are calculated. Examiner takes Office Notice that encrypting information for preventing unauthorized parties from revealing the information is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to allow the pricing tools in the teachings of Haji modified by Halperin to be encrypted for better protecting the information associated with the pricing tools.

As to claim 4, Haji in view of Halperin teaches a buyer purchase items from a seller as discussed above. Haji in view of Halperin does not specifically teach a buyer group comprising two or more buyers buying items as a single entity. Examiner takes

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Office Notice that it would have been obvious to one of ordinary skill in the art to allow the teachings of Haji modified by Halperin to include the feature of a buyer group comprising two or more buyers buying items as a single entity for sharing better price of the purchased items.

As to claim 5, Haji further teaches determining validation of the pricing information received from the buyer by the seller, and the pricing information is valid only if the pricing tool is the latest version; and if the pricing information is invalid or outdated, recalculation is performed based on the updated price tool (§ 88-91). Haji does not specifically teach the buyer will receive the updated version of the pricing tools. However, since Haji teaches the pricing information is valid only use the latest version of the pricing tools (§ 89) and the pricing information is calculated in real time (§ 83), it would have been obvious to one of ordinary skill in the art to allow the buyer to receive the latest version of the pricing tools for accurately calculate the pricing information.

As to claim 6, locally generate a price quote for a modified order is taught by Haji as a price quote is locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 7, Haji further teaches automatically calculating the price quote locally in real time (§ 83), and the price quote is valid only use the latest version of the pricing tool (§ 89). Haji does not specifically teach the modifications to the order are made automatically. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to allow the modification of the order in Haji's teaching to be made automatically for accurately calculating the most recent price.

As to claim 8, iteratively modify the order and locally generate corresponding price quotes is taught by Haji as corresponding price quotes are locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 9, Haji teaches the server is operable to locally generate the pricing quote independent of the communication with the one or more sellers subsequent to receiving the one or more pricing tools from the sellers (§ 75).

Claims 10-11, 13-20, 22-27 and 29 are also rejected by Haji in combination with Halperin as discussed in claims 1-2, 4-9 and 28 because they are not patentably distinct between claims 10-11, 13-20, 22-27, 29 and claims 1-2, 4-9, 28.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

Mary Cheung  
October 23, 2007



**MARY D. CHEUNG  
PRIMARY EXAMINER**